

By: Hinojosa, Minjarez, White

H.B. No. 3842

Substitute the following for H.B. No. 3842:

By: Keough

C.S.H.B. No. 3842

A BILL TO BE ENTITLED

AN ACT

1
2 relating to transferring the Office for the Prevention of
3 Developmental Disabilities to The University of Texas at Austin and
4 renaming the office the Office for Healthy Children.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 531.0202(b), Government Code, is amended
7 to read as follows:

8 (b) The Department of Aging and Disability Services is
9 [~~following state agency and entity are~~] abolished on a date that is
10 within the period prescribed by Section 531.02001(2), that is
11 specified in the transition plan required under Section 531.0204
12 for the abolition of the department [~~state agency or entity~~], and
13 that occurs after all of the department's [~~state agency's or~~
14 ~~entity's~~] functions have been transferred to the commission in
15 accordance with Sections 531.0201 and 531.02011[+]

16 [~~(1) the Department of Aging and Disability Services,~~
17 ~~and~~

18 [~~(2) the Office for the Prevention of Developmental~~
19 ~~Disabilities~~].

20 SECTION 2. Chapter 67, Education Code, is amended by adding
21 Subchapter E, and a heading is added to that subchapter to read as
22 follows:

23 SUBCHAPTER E. OFFICE FOR HEALTHY CHILDREN

24 SECTION 3. Sections 112.041, 112.042, 112.043, 112.044,

1 112.047, 112.0471, 112.0472, 112.048, 112.049, 112.050, and
2 112.051, Human Resources Code, are transferred to Subchapter E,
3 Chapter 67, Education Code, as added by this Act, redesignated as
4 Sections 67.81, 67.82, 67.83, 67.84, 67.85, 67.86, 67.87, 67.88,
5 67.89, 67.90, and 67.91, Education Code, respectively, and amended
6 to read as follows:

7 Sec. 67.81 [~~112.041~~]. PURPOSE AND POLICY. (a) The purpose
8 of this subchapter [~~Act~~] is to minimize the economic and human
9 losses in Texas caused by preventable disabilities through the
10 establishment of a joint private-public initiative called the
11 Office for Healthy Children [~~the Prevention of Developmental~~
12 ~~Disabilities~~].

13 (b) The legislature finds there is a strong need for a
14 unified, comprehensive prevention effort in the State of Texas.
15 Many state agencies, as well as private organizations and local
16 public agencies, are involved in prevention activities that can
17 reduce the incidence and severity of developmental disabilities.
18 However, a coordinated statewide plan that identifies and
19 consolidates research findings and prevention activities has yet to
20 be developed.

21 (c) The legislature further finds that by establishing a
22 mechanism by which prevention activities can be better coordinated
23 and needed prevention programs can be initiated, the State of Texas
24 will be making an important investment in Texas's future.

25 Sec. 67.82 [~~112.042~~]. DEFINITIONS. In this subchapter:

26 (1) [~~"Commission" means the Health and Human Services~~
27 ~~Commission.~~

1 ~~[(1-a)]~~ "Developmental disability" means a severe,
2 chronic disability that:

3 (A) is attributable to a mental or physical
4 impairment or to a combination of a mental and physical impairment;

5 (B) is manifested in a person before the ~~[a]~~
6 person reaches the age of 22;

7 (C) is likely to continue indefinitely;

8 (D) results in substantial functional
9 limitations in three or more major life activities, including:

10 (i) self-care;

11 (ii) receptive and expressive language;

12 (iii) learning;

13 (iv) mobility;

14 (v) self-direction;

15 (vi) capacity for independent living; and

16 (vii) economic sufficiency; and

17 (E) reflects the person's needs for a combination
18 and sequence of special interdisciplinary or generic care,
19 treatment, or other lifelong or extended services that are
20 individually planned and coordinated.

21 (2) ~~[(1-b) "Executive commissioner" means the~~
22 ~~executive commissioner of the Health and Human Services Commission.~~

23 ~~[(2) "Executive committee" means the executive~~
24 ~~committee of the Office for the Prevention of Developmental~~
25 ~~Disabilities.~~

26 ~~[(3)]~~ "Office" means the Office for Healthy Children
27 ~~[the Prevention of Developmental Disabilities].~~

1 Sec. 67.83 [~~112.043~~]. OFFICE FOR HEALTHY CHILDREN [~~THE~~
2 ~~PREVENTION OF DEVELOPMENTAL DISABILITIES; ADMINISTRATIVE~~
3 ~~ATTACHMENT~~]. [(a)] The Office for Healthy Children [~~the~~
4 ~~Prevention of Developmental Disabilities~~] is established under and
5 administered by [~~administratively attached to~~] the university
6 [~~Health and Human Services Commission~~].

7 ~~[(b) The Health and Human Services Commission shall:~~

8 ~~[(1) provide administrative assistance, services, and~~
9 ~~materials to the office;~~

10 ~~[(2) accept, deposit, and disburse money made~~
11 ~~available to the office;~~

12 ~~[(3) accept gifts and grants on behalf of the office~~
13 ~~from any public or private entity;~~

14 ~~[(4) pay the salaries and benefits of the executive~~
15 ~~director and staff of the office;~~

16 ~~[(5) reimburse the travel expenses and other actual~~
17 ~~and necessary expenses of the executive committee, executive~~
18 ~~director, and staff of the office incurred in the performance of a~~
19 ~~function of the office, as provided by the General Appropriations~~
20 ~~Act;~~

21 ~~[(6) apply for and receive on behalf of the office any~~
22 ~~appropriations, gifts, or other money from the state or federal~~
23 ~~government or any other public or private entity, subject to~~
24 ~~limitations and conditions prescribed by legislative~~
25 ~~appropriation;~~

26 ~~[(7) provide the office with adequate computer~~
27 ~~equipment and support; and~~

1 ~~[(8) provide the office with adequate office space and~~
2 ~~permit the executive committee to meet in facilities of the~~
3 ~~commission.]~~

4 ~~[(c) The executive director and staff of the office are~~
5 ~~employees of the office and not employees of the Health and Human~~
6 ~~Services Commission.]~~

7 Sec. 67.84 [~~112.044~~]. DUTIES. The office shall:

8 (1) educate the public and attempt to promote sound
9 public policy regarding the prevention of developmental
10 disabilities;

11 (2) identify, collect, and disseminate information
12 and data concerning the causes, frequency of occurrence, and
13 preventability of developmental disabilities;

14 (3) work with appropriate [~~divisions within the~~
15 ~~commission,~~] state agencies[~~7~~] and other entities to develop a
16 coordinated long-range plan to effectively monitor and reduce the
17 incidence or severity of developmental disabilities;

18 (4) promote and facilitate the identification,
19 development, coordination, and delivery of needed prevention
20 services;

21 (5) solicit, receive, and spend grants and donations
22 from public, private, state, and federal sources;

23 (6) identify and encourage establishment of needed
24 reporting systems to track the causes and frequencies of occurrence
25 of developmental disabilities;

26 (7) develop, operate, and monitor programs created
27 under Section 67.88 [~~112.048~~] addressing the prevention of specific

1 targeted developmental disabilities;

2 (8) ~~[monitor and assess the effectiveness of divisions~~
3 ~~within the commission and of state agencies in preventing~~
4 ~~developmental disabilities;~~

5 ~~[(9)]~~ recommend the role each ~~[division within the~~
6 ~~commission and each]~~ state agency should have with regard to
7 prevention of developmental disabilities;

8 (9) ~~[(10)]~~ facilitate coordination of state agency
9 prevention services and activities ~~[within the commission and]~~
10 among appropriate state agencies; and

11 (10) ~~[(11)]~~ encourage cooperative, comprehensive, and
12 complementary planning among public, private, and volunteer
13 individuals and organizations engaged in prevention activities,
14 providing prevention services, or conducting related research.

15 Sec. 67.85 ~~[112.047]~~. ~~[EXECUTIVE]~~ DIRECTOR. (a) The
16 president of the university or the president's designee ~~[executive~~
17 ~~committee]~~ may hire a [an executive] director to ~~[serve as the chief~~
18 ~~executive officer of the office and to]~~ perform the administrative
19 duties of the office.

20 (b) The ~~[executive]~~ director serves at the will of the
21 president of the university or the president's designee ~~[executive~~
22 ~~committee]~~.

23 (c) The ~~[executive]~~ director may hire staff within
24 guidelines established by the president of the university or the
25 president's designee ~~[executive committee]~~.

26 Sec. 67.86 ~~[112.0471]~~. QUALIFICATIONS AND STANDARDS OF
27 CONDUCT. The ~~[executive]~~ director or the ~~[executive]~~ director's

1 designee shall provide to the president of the university or the
2 president's designee [~~members of the executive committee~~] and to
3 employees of the office, as often as necessary, information
4 regarding the requirements for office or employment under this
5 subchapter, including information regarding a person's
6 responsibilities under applicable laws relating to standards of
7 conduct for state officers or employees.

8 Sec. 67.87 [~~112.0472~~]. EQUAL EMPLOYMENT OPPORTUNITY
9 POLICIES. (a) The [~~executive~~] director shall prepare and maintain
10 a written policy statement that implements a program of equal
11 employment opportunity to ensure that all personnel decisions are
12 made without regard to race, color, disability, sex, religion, age,
13 or national origin.

14 (b) The policy statement must include:

15 (1) personnel policies, including policies relating
16 to recruitment, evaluation, selection, training, and promotion of
17 personnel, that show the intent of the office to avoid the unlawful
18 employment practices described by Chapter 21, Labor Code; and

19 (2) an analysis of the extent to which the composition
20 of the office's personnel is in accordance with state and federal
21 law and a description of reasonable methods to achieve compliance
22 with state and federal law.

23 (c) The policy statement must:

24 (1) be updated annually;

25 (2) be reviewed by the Texas Workforce Commission
26 civil rights division for compliance with Subsection (b)(1); and

27 (3) be filed with the governor's office.

1 Sec. 67.88 [~~112.048~~]. PREVENTION PROGRAMS FOR TARGETED
2 DEVELOPMENTAL DISABILITIES. (a) The office [~~executive committee~~]
3 shall establish guidelines for:

- 4 (1) selecting targeted disabilities;
- 5 (2) assessing prevention services needs; and
- 6 (3) reviewing plans, budgets, and operations for
7 programs under this section.

8 (b) The office [~~executive committee~~] shall plan and
9 implement prevention programs for specifically targeted
10 developmental disabilities.

11 (c) A program under this section:

- 12 (1) must include a plan designed to reduce the
13 incidence of a specifically targeted disability;
- 14 (2) must include a budget for implementing a plan;
- 15 (3) must be funded through:
 - 16 (A) contracts for services from participating
17 agencies;
 - 18 (B) grants and gifts from private persons and
19 consumer and advocacy organizations; and
 - 20 (C) foundation support; and
- 21 (4) must be approved by the president of the
22 university or the president's designee [~~executive committee~~].

23 Sec. 67.89 [~~112.049~~]. EVALUATION. (a) The office shall
24 identify or encourage the establishment of needed statistical bases
25 for each targeted group against which the office can measure how
26 effectively a program under Section 67.88 [~~112.048~~] is reducing the
27 frequency or severity of a targeted developmental disability.

1 (b) The president of the university or the president's
2 designee [~~executive committee~~] shall regularly monitor and
3 evaluate the results of programs under Section 67.88 [~~112.048~~].

4 Sec. 67.90 [~~112.050~~]. GRANTS AND OTHER FUNDING. (a) The
5 president of the university or the president's designee [~~executive~~
6 ~~committee~~] may apply for and distribute private, state, and federal
7 funds to implement prevention policies set by the president of the
8 university or the president's designee [~~executive committee~~].

9 (b) The president of the university or the president's
10 designee [~~executive committee~~] shall establish criteria for
11 application and review of funding requests and accountability
12 standards for recipients. The president of the university or the
13 president's designee [~~executive committee~~] may adjust its criteria
14 as necessary to meet requirements for federal funding.

15 (c) The board [~~executive committee~~] may not submit a
16 legislative appropriation request for general revenue funds for
17 purposes of this subchapter.

18 (d) In addition to funding under Subsection (a), the office
19 may accept and solicit gifts, donations, and grants of money from
20 public and private sources, including the federal government, local
21 governments, and private entities, to assist in financing the
22 duties and functions of the office. The university [~~commission~~]
23 shall support office fund-raising efforts authorized by this
24 subsection. Funds raised under this subsection are administered by
25 the university and may only be spent in furtherance of a duty or
26 function of the office or in accordance with rules applicable to the
27 office. The university shall maintain a separate accounting of

1 funds raised under this subsection.

2 Sec. 67.91 [~~112.051~~]. REPORTS TO LEGISLATURE. The office
3 shall submit by February 1 of each odd-numbered year biennial
4 reports to the legislature detailing findings of the office and the
5 results of programs under Section 67.88 [~~112.048~~] and recommending
6 improvements in the delivery of developmental disability
7 prevention services.

8 SECTION 4. Section 22.04(c)(3), Penal Code, is amended to
9 read as follows:

- 10 (3) "Disabled individual" means a person:
11 (A) with one or more of the following:
12 (i) autism spectrum disorder, as defined by
13 Section 1355.001, Insurance Code;
14 (ii) developmental disability, as defined
15 by Section 67.82 [~~112.042~~], Education [~~Human Resources~~] Code;
16 (iii) intellectual disability, as defined
17 by Section 591.003, Health and Safety Code;
18 (iv) severe emotional disturbance, as
19 defined by Section 261.001, Family Code; or
20 (v) traumatic brain injury, as defined by
21 Section 92.001, Health and Safety Code; or
22 (B) who otherwise by reason of age or physical or
23 mental disease, defect, or injury is substantially unable to
24 protect the person's self from harm or to provide food, shelter, or
25 medical care for the person's self.

26 SECTION 5. The following provisions of the Human Resources
27 Code are repealed:

1 (1) Sections 112.0421, 112.0431, 112.045, 112.0451,
2 112.0452, 112.0453, 112.0454, and 112.046; and

3 (2) the heading to Subchapter C, Chapter 112.

4 SECTION 6. (a) On the effective date of this Act:

5 (1) the Office for the Prevention of Developmental
6 Disabilities is abolished as an independent office, transferred to
7 The University of Texas at Austin as a program, and renamed the
8 Office for Healthy Children;

9 (2) the executive committee and the board of advisors
10 of the Office for the Prevention of Developmental Disabilities are
11 abolished;

12 (3) the position of executive director of the Office
13 for the Prevention of Developmental Disabilities is abolished, but
14 the president of The University of Texas System or the president's
15 designee may hire the person serving as the executive director
16 immediately before the effective date of this Act for a position in
17 the office;

18 (4) an employee of the Office for the Prevention of
19 Developmental Disabilities becomes an employee of The University of
20 Texas at Austin;

21 (5) all money, including gifts, donations, and grants
22 of money, contracts, leases, rights, and obligations of the Office
23 for the Prevention of Developmental Disabilities are transferred to
24 The University of Texas at Austin;

25 (6) all property, including records, in the custody of
26 the Office for the Prevention of Developmental Disabilities becomes
27 the property of The University of Texas at Austin;

1 (7) all funds appropriated by the legislature to the
2 Office for the Prevention of Developmental Disabilities are
3 transferred to The University of Texas at Austin; and

4 (8) all functions and activities performed by the
5 Office for the Prevention of Developmental Disabilities are
6 transferred to The University of Texas at Austin.

7 (b) The validity of an action taken by the Office for the
8 Prevention of Developmental Disabilities or the executive
9 committee or board of advisors of the office before the effective
10 date of this Act is not affected by the abolishment of the office.

11 (c) A rule, form, policy, procedure, or decision of the
12 Office for the Prevention of Developmental Disabilities or the
13 Health and Human Services Commission that is related to the office
14 is continued in effect as a rule, form, policy, procedure, or
15 decision of The University of Texas System until superseded by a
16 rule, form, policy, procedure, or decision of the system.

17 (d) Any action or proceeding pending before the Office for
18 the Prevention of Developmental Disabilities on the effective date
19 of this Act becomes an action or proceeding before The University of
20 Texas at Austin.

21 SECTION 7. This Act takes effect August 31, 2017.